

AMENDED IN ASSEMBLY MAY 27, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2150

Introduced by Assembly Members ~~Santiago and Weber~~ *Santiago, Weber, and Gonzalez*

February 17, 2016

An act to amend Sections 8263, 8263.1, and 8273.1 of the Education Code, and to amend Section 11323.2 of the Welfare and Institutions Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2150, as amended, Santiago. Subsidized child care and development services: eligibility periods.

Existing law, the Child Care and Development Services Act, requires the Superintendent of Public Instruction to administer child care and development programs that offer a full range of services for eligible children from infancy to 13 years of age. Existing law requires the Superintendent to adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement the act. The act, and regulations adopted pursuant to the act, set forth eligibility requirements for families to receive federal and state subsidized child development services and impose various time limits for receipt of services and recertification for continued services.

This bill would require that a family, upon establishing initial eligibility or ongoing eligibility for services under the act, be considered to meet all eligibility requirements for those services for not less than 12 months, receive those services for not less than 12 months before having their eligibility redetermined, and not be required to report changes to income or other changes for at least 12 months, except as

provided. The bill would revise the definition of “income eligible” and provide that the definition applies for purposes of establishing initial income eligibility for services under the act, and would add a definition of “ongoing income eligible” for purposes of establishing ongoing income eligibility for services under the act. The bill would repeal certain provisions that impose time limits for services under the act and a provision that authorizes the Superintendent to grant an extension of services, as specified. The bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8263 of the Education Code is amended
2 to read:

3 8263. (a) The Superintendent shall adopt rules and regulations
4 on eligibility, enrollment, and priority of services needed to
5 implement this chapter. In order to be eligible for federal and state
6 subsidized child development services, families shall meet at least
7 one requirement in each of the following areas:

8 (1) A family is (A) a current aid recipient, (B) income eligible,
9 (C) homeless, or (D) one whose children are recipients of protective
10 services, or whose children have been identified as being abused,
11 neglected, or exploited, or at risk of being abused, neglected, or
12 exploited.

13 (2) A family needs the child care services (A) because the child
14 is identified by a legal, medical, or social services agency, a local
15 educational agency liaison for homeless children and youths
16 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of
17 the United States Code, a Head Start program, or an emergency
18 or transitional shelter as (i) a recipient of protective services, (ii)
19 being neglected, abused, or exploited, or at risk of neglect, abuse,
20 or exploitation, or (iii) being homeless or (B) because the parents
21 are (i) engaged in vocational training leading directly to a
22 recognized trade, paraprofession, or profession, (ii) employed or
23 seeking employment, (iii) seeking permanent housing for family
24 stability, or (iv) incapacitated.

25 (b) Except as provided in Article 15.5 (commencing with Section
26 8350), priority for federal and state subsidized child development
27 services is as follows:

1 (1) First priority shall be given to neglected or abused children
2 who are recipients of child protective services, or children who
3 are at risk of being neglected or abused, upon written referral from
4 a legal, medical, or social services agency. If an agency is unable
5 to enroll a child in the first priority category, the agency shall refer
6 the family to local resource and referral services to locate services
7 for the child.

8 (2) Second priority shall be given equally to eligible families,
9 regardless of the number of parents in the home, who are income
10 eligible. Within this priority, families with the lowest gross monthly
11 income in relation to family size, as determined by a schedule
12 adopted by the Superintendent, shall be admitted first. If two or
13 more families are in the same priority in relation to income, the
14 family that has a child with exceptional needs shall be admitted
15 first. If there is no family of the same priority with a child with
16 exceptional needs, the same priority family that has been on the
17 waiting list for the longest time shall be admitted first. For purposes
18 of determining order of admission, the grants of public assistance
19 recipients shall be counted as income.

20 (3) The Superintendent shall set criteria for, and may grant
21 specific waivers of, the priorities established in this subdivision
22 for agencies that wish to serve specific populations, including
23 children with exceptional needs or children of prisoners. These
24 new waivers shall not include proposals to avoid appropriate fee
25 schedules or admit ineligible families, but may include proposals
26 to accept members of special populations in other than strict income
27 order, as long as appropriate fees are paid.

28 (c) Notwithstanding any other law, in order to promote
29 continuity of services, a family enrolled in a state or federally
30 funded child care and development program whose services would
31 otherwise be terminated because the family no longer meets the
32 program income, eligibility, or need criteria may continue to
33 receive child development services in another state or federally
34 funded child care and development program if the contractor is
35 able to transfer the family's enrollment to another program for
36 which the family is eligible before the date of termination of
37 services or to exchange the family's existing enrollment with the
38 enrollment of a family in another program, provided that both
39 families satisfy the eligibility requirements for the program in
40 which they are being enrolled. The transfer of enrollment may be

1 to another program within the same administrative agency or to
2 another agency that administers state or federally funded child
3 care and development programs.

4 (d) A physical examination and evaluation, including
5 age-appropriate immunization, shall be required before, or within
6 six weeks of, enrollment. A standard, rule, or regulation shall not
7 require medical examination or immunization for admission to a
8 child care and development program of a child whose parent or
9 guardian files a letter with the governing board of the child care
10 and development program stating that the medical examination or
11 immunization is contrary to his or her religious beliefs, or provide
12 for the exclusion of a child from the program because of a parent
13 or guardian having filed the letter. However, if there is good cause
14 to believe that a child is suffering from a recognized contagious
15 or infectious disease, the child shall be temporarily excluded from
16 the program until the governing board of the child care and
17 development program is satisfied that the child is not suffering
18 from that contagious or infectious disease.

19 (e) Regulations formulated and promulgated pursuant to this
20 section shall include the recommendations of the State Department
21 of Health Care Services relative to health care screening and the
22 provision of health care services. The Superintendent shall seek
23 the advice and assistance of these health authorities in situations
24 where service under this chapter includes or requires care of
25 children who are ill or children with exceptional needs.

26 (f) The Superintendent shall establish guidelines for the
27 collection of employer-sponsored child care benefit payments from
28 a parent whose child receives subsidized child care and
29 development services. These guidelines shall provide for the
30 collection of the full amount of the benefit payment, but not to
31 exceed the actual cost of child care and development services
32 provided, notwithstanding the applicable fee based on the fee
33 schedule.

34 (g) The Superintendent shall establish guidelines according to
35 which the director or a duly authorized representative of the child
36 care and development program will certify children as eligible for
37 state reimbursement pursuant to this section.

38 (h) *(1)* Except as provided in paragraphs ~~(1) to (3)~~, *(2) to (4)*,
39 inclusive, upon establishing initial eligibility or ongoing eligibility
40 for services under this chapter, a family shall be considered to

1 meet all eligibility requirements for those services for not less than
2 12 months, shall receive those services for not less than 12 months
3 before having their eligibility redetermined, and shall not be
4 required to report changes to income or other changes for at least
5 12 months.

6 ~~(1)~~

7 (2) A family shall report increases in income that exceed the
8 threshold for ongoing income eligibility as described in subdivision
9 (b) of Section 8263.1, and the family's ongoing eligibility for
10 services shall at that time be redetermined.

11 ~~(2)~~

12 (3) A family that establishes initial eligibility or ongoing
13 eligibility on the basis of seeking employment shall receive services
14 under this chapter as follows:

15 (A) If seeking employment is the basis for initial eligibility, the
16 family shall receive services under this chapter for not less than
17 six months.

18 (B) If seeking employment is the only basis for ongoing
19 eligibility at the time of redetermination, the family shall receive
20 services under this chapter for six additional month unless the
21 family becomes eligible on another basis pursuant to paragraph
22 (2) of subdivision (a).

23 ~~(3)~~

24 (4) A family may at any time voluntarily report income or other
25 changes. This information shall be used, as applicable, to reduce
26 a family's fees, increase the family's subsidy, or extend the period
27 of the family's eligibility before redetermination.

28 (i) Public funds shall not be paid directly or indirectly to an
29 agency that does not pay at least the minimum wage to each of its
30 employees.

31 SEC. 2. Section 8263.1 of the Education Code is amended to
32 read:

33 8263.1. (a) For purposes of establishing initial income
34 eligibility for services under this chapter, "income eligible" means
35 that a family's adjusted monthly income is at or below 70 percent
36 of the state median income, based on the most recent data on state
37 median income published by the United States Census Bureau, for
38 a family of the same size.

39 (b) For purposes of establishing ongoing income eligibility
40 under this chapter, "ongoing income eligible" means that a family's

1 adjusted monthly income is at or below 85 percent of the state
2 median income, based on the most recent data on state median
3 income published by the United States Census Bureau, for a family
4 of the same size.

5 (c) The income of a recipient of federal supplemental security
6 income benefits pursuant to Title XVI of the federal Social Security
7 Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program
8 benefits pursuant to Title XVI of the federal Social Security Act
9 and Chapter 3 (commencing with Section 12000) of Part 3 of
10 Division 9 of the Welfare and Institutions Code shall not be
11 included as income for purposes of determining eligibility for child
12 care under this chapter.

13 SEC. 3. Section 8273.1 of the Education Code is amended to
14 read:

15 8273.1. (a) A family that receives services pursuant to
16 paragraph (1) of subdivision (b) of Section 8263 may be exempt
17 from family fees for up to 12 months.

18 (b) Notwithstanding any other law, a family receiving
19 CalWORKs cash aid shall not be charged a family fee.

20 (c) Notwithstanding any other law, commencing with the
21 2014–15 fiscal year, family fees shall not be assessed for the
22 part-day California preschool program to income eligible families
23 whose children are enrolled in that program pursuant to Article 7
24 (commencing with Section 8235).

25 SEC. 4. Section 11323.2 of the Welfare and Institutions Code
26 is amended to read:

27 11323.2. (a) Necessary supportive services shall be available
28 to every participant in order to participate in the program activity
29 to which he or she is assigned or to accept employment or the
30 participant shall have good cause for not participating under
31 subdivision (f) of Section 11320.3. As provided in the
32 welfare-to-work plan entered into between the county and
33 participant pursuant to this article, supportive services shall include
34 all of the following:

35 (1) Child care.

36 (A) Paid child care shall be available to every participant with
37 a dependent child in the assistance unit who needs paid child care
38 if the child is 10 years of age or under, or requires child care or
39 supervision due to a physical, mental, or developmental disability

1 or other similar condition as verified by the county welfare
2 department, or who is under court supervision.

3 (B) To the extent funds are available, paid child care shall be
4 available to a participant with a dependent child in the assistance
5 unit who needs paid child care if the child is 11 or 12 years of age.

6 (C) Necessary child care services shall be available to every
7 former recipient for up to two years, pursuant to Article 15.5
8 (commencing with Section 8350) of Chapter 2 of Part 6 of Division
9 1 of Title 1 of the Education Code.

10 (D) A child in foster care receiving benefits under Title IV-E
11 of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) or
12 a child who would become a dependent child except for the receipt
13 of federal Supplemental Security Income benefits pursuant to Title
14 XVI of the federal Social Security Act (42 U.S.C. Sec. 1381 et
15 seq.) shall be deemed to be a dependent child for the purposes of
16 this paragraph.

17 (E) The provision of care and payment rates under this paragraph
18 shall be governed by Article 15.5 (commencing with Section 8350)
19 of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education
20 Code. Parent fees shall be governed by Section 8263 of the
21 Education Code.

22 (2) Transportation costs, which shall be governed by regional
23 market rates as determined in accordance with regulations
24 established by the department.

25 (3) Ancillary expenses, which shall include the cost of books,
26 tools, clothing specifically required for the job, fees, and other
27 necessary costs.

28 (4) Personal counseling. A participant who has personal or
29 family problems that would affect the outcome of the
30 welfare-to-work plan entered into pursuant to this article shall, to
31 the extent available, receive necessary counseling or therapy to
32 help him or her and his or her family adjust to his or her job or
33 training assignment.

34 (b) If provided in a county plan, the county may continue to
35 provide case management and supportive services under this
36 section to former participants who become employed. The county
37 may provide these services for up to the first 12 months of

- 1 employment to the extent they are not available from other sources
- 2 and are needed for the individual to retain the employment.

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